

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case 09-CC-269544	Date Filed 11/13/2020

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name International Brotherhood of Teamsters ("Teamsters") Local 89		b. Union Representative to contact (b) (6), (b) (7)(C)	
c. Address (Street, city, state, and ZIP code) 3613 Taylor Blvd., Louisville, KY 40215		d. Tel. No. 502.368.5885	e. Cell No.
		f. Fax No. 502.366.2009	
		g. e-mail teamsters89@aol.com	
h. The above named labor organization has engaged in and is engaging in unfair labor practices within the meaning of section 8(b) and (c) (1) (subsections) Sections 8(b)(4)(i)(B) and 8(b)(4)(ii)(B) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Beginning on October 21, 2020, and continuing on November 6, 10, and 11, 2020, Teamsters Local 89 has engaged in an unlawful secondary boycott in violation of Section 8(b)(4)(i)(B) and Section 8(b)(4)(ii)(B) of the National Labor Relations Act. Specifically, Teamsters Local 89 has engaged in unlawful, overbroad picketing at the USF Holland LLC ("Holland") Louisville terminal entrance and other locations, inducing work stoppages of Holland employees on the relevant dates. Teamsters Local 89 did so with an object of forcing Holland to cease doing business with Cargo Network Solutions - the employer purportedly subject to "area standards" picketing by Teamsters Local 89.			
3. Name of Employer USF Holland LLC		4a. Tel. No.	b. Cell No.
		c. Fax No.	
		d. e-mail	
5. Location of plant involved (street, city, state and ZIP code) 4885 Keystone Blvd., Jeffersonville, IN 47130		6. Employer representative to contact David Broderdorf Morgan, Lewis & Bockius LLP	
7. Type of establishment (factory, mine, wholesaler, etc.) Freight Carrier	8. Identify principal product or service Freight Delivery		9. Number of workers employed 7,551
10. Full name of party filing charge USF Holland LLC			
11. Address of party filing charge (street, city, state and ZIP code) 700 S. Waverly Road, Holland, MI 49423		11a. Tel. No. 616.395.5000	b. Cell No.
		c. Fax No.	
		d. e-mail	
12. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. <u>/s/ David Broderdorf</u> David Broderdorf (counsel) <small>(signature of representative or person making charge) (Print/type name and title or office, if any)</small> Morgan, Lewis & Bockius LLP Address <u>1111 Pennsylvania Ave NW, Washington, DC 20004</u> Date <u>11/13/2020</u>		Tel. No. 202.739.5817	
		Cell No.	
		Fax No. 202.739.3001	
		e-mail david.broderdorf@morganlewis.com	

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case 09-CB-268953	Date Filed 11/13/2020

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name International Brotherhood of Teamsters ("Teamsters") Local 89		b. Union Representative to contact (b) (6), (b) (7)(C)	
c. Address (Street, city, state, and ZIP code) 3613 Taylor Blvd., Louisville, KY 40215		d. Tel. No. 502.368.5885	e. Cell No.
		f. Fax No. 502.366.2009	
		g. e-mail teamsters89@aol.com	
h. The above named labor organization has engaged in and is engaging in unfair labor practices within the meaning of section 8(b) and (c) (1) (A) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Since on or about November 6, 2020, Teamsters Local 89, by its officers, agents, and representatives, has violated Section 8(b)(1)(A) of the National Labor Relations Act (the "Act") by interfering with, restraining, and coercing employees of USF Holland LLC ("Holland") and other employees in the exercise of their rights guaranteed in Section 7 of the Act, including (a) through prolonged blocking of the free movement of persons, vehicles, and equipment at Holland's terminal; (b) severe harassment; and (c) threats of violence and/or physical harm.			
3. Name of Employer USF Holland LLC	4a. Tel. No.	b. Cell No.	c. Fax No.
	d. e-mail		
5. Location of plant involved (street, city, state and ZIP code) 4885 Keystone Blvd., Jeffersonville, IN 47130		6. Employer representative to contact David Broderdorf Morgan, Lewis & Bockius LLP	
7. Type of establishment (factory, mine, wholesaler, etc.) Freight Carrier	8. Identify principal product or service Freight Delivery		9. Number of workers employed 7,551
10. Full name of party filing charge USF Holland LLC			
11. Address of party filing charge (street, city, state and ZIP code) 700 S. Waverly Road, Holland, MI 49423		11a. Tel. No. 616.395.5000	b. Cell No.
		c. Fax No.	
		d. e-mail	
12. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. 202.739.5817	
/s/ David Broderdorf <i>(signature of representative or person making charge)</i>		Cell No.	
David Broderdorf (counsel) <i>(Print/type name and title or office, if any)</i>		Fax No. 202.739.3001	
Morgan, Lewis & Bockius LLP Address 1111 Pennsylvania Ave NW, Washington, DC 20004		e-mail david.broderdorf@morganlewis.com	
Date 11/13/2020			

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 9
550 MAIN ST
RM 3-111
CINCINNATI, OH 45202-3271

Agency Website: www.nlr.gov
Telephone: (513)684-3686
Fax: (513)684-3946

March 8, 2021

Edward M. Gleason Jr., Attorney
The Law Office of Edward Gleason, PLLC
1101 30th St NW, Suite 500
Washington, DC 20007

Re: GENERAL DRIVERS, WAREHOUSEMEN AND HELPERS,
LOCAL UNION NO. 89, AFFILIATED WITH THE
INTERNATIONAL BROTHERHOOD OF TEAMSTERS
(USF Holland LLC)
Case 09-CB-268953

Dear Mr. Gleason:

This is to advise that I have approved the withdrawal of the allegations that the Union violated Section 8(b)(1)(A) of the Act by engaging in severe harassment of USF Holland employees and threatening them with violence and/or physical harm on November 6, 2020.

The remaining allegations that the Union violated Section 8(b)(1)(A) of the Act by blocking the free movement of persons, vehicles and equipment at Holland's terminal on November 6, 2020, remain subject to further processing.

Very truly yours,

Matthew T. Denholm
Regional Director

cc: (b) (6), (b) (7)(C), General Drivers, Warehousemen and Helpers, Local Union
No. 89, affiliated with the International Brotherhood of Teamsters, 3813 Taylor Blvd
Louisville, KY 40215-2965

David R. Broderdorf, Esq., Morgan Lewis & Bockius, LLP, 1111 Pennsylvania Ave NW,
Washington, DC 20004-2541

USF Holland, 4885 Keystone Blvd, Jeffersonville, IN 47130-8790

USF Holland LLC, 700 S Waverly Rd, Holland, MI 49423

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 9

GENERAL DRIVERS, WAREHOUSEMEN
AND HELPERS, LOCAL UNION NO. 89,
AFFILIATED WITH THE INTERNATIONAL
BROTHERHOOD OF TEAMSTERS
(USF Holland, LLC)

and

Cases 09-CB-268953
09-CC-269544

USF HOLLAND, LLC

ORDER CONSOLIDATING CASES,
CONSOLIDATED COMPLAINT
AND
NOTICE OF HEARING

Pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board (the Board) and to avoid unnecessary costs or delay, IT IS ORDERED THAT Case 09-CB-268953 and Case 09-CC-269544, which are based on charges filed by USF Holland, LLC (Employer) against International Brotherhood of Teamsters (“Teamsters”) Local 89, herein called by its correct name, General Drivers, Warehousemen and Helpers, Local Union No. 89, affiliated with the International Brotherhood of Teamsters (Respondent), are consolidated.

This Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, which is based on these charges, is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Board’s Rules and Regulations, and alleges Respondent has violated the Act as described below.

1. (a) The charge in Case 09-CB-268953 was filed by the Employer on November 13, 2020, and a copy was served on Respondent by U.S. mail on the same date.

(b) The charge in Case 09-CC-269544 was filed by the Employer on November 13, 2020, and a copy was served on Respondent by U.S. mail on November 30, 2020.

2. (a) At all material times, the Employer has been a corporation with a place of business in Jeffersonville, Indiana (Employer's facility) and has been engaged in the interstate transportation and delivery of freight.

(b) In conducting its operations described in paragraph 2(a) during the calendar year ending March 31, 2021, the Employer derived gross revenues in excess of \$50,000 for the transportation of freight from the State of Indiana directly to points outside the State of Indiana.

(c) At all material times, the Employer has been engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

3. At all material times, Respondent has been a labor organization within the meaning of Section 2(5) of the Act.

4. At all material times, the following individuals held the positions set forth opposite their respective names and have been agents of Respondent within the meaning of Section 2(13) of the Act:

(b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)

5. (a) At all material times, the Employer has contracted with Cargo Network Solutions (Cargo) to deliver freight.

(b) At all material times, Respondent was engaged in a labor dispute over area standards with Cargo.

(c) At no material time has Respondent been engaged in a labor dispute with the Employer.

6. (a) About October 21, 2020, Respondent, by (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C), appealed to individuals employed by the Employer to cease handling goods and materials transported and delivered by Cargo and to engage in a work stoppage in support of its dispute with Cargo described above in paragraph 5(b).

(b) About October 21, 2020, in support of its dispute with Cargo described above in paragraph 5(b), Respondent, by (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C), at the Employer's facility, threatened the Employer by engaging in picketing at the main entrance of the Employer's facility.

7. By the conduct set forth above in paragraph 6, Respondent has induced or encouraged individuals employed by the Employer, and other persons engaged in commerce or in an industry affecting commerce to strike, refuse to handle or work on goods, refuse to perform services, and has threatened, coerced, or restrained the Employer and other persons engaged in commerce or in industries affecting commerce.

8. An object of Respondent's conduct described above in paragraphs 6 and 7 has been in part to force or require the Employer and other persons to cease handling or otherwise dealing in the products of, and to cease doing business with, Cargo.

9. About November 6, 2020, Respondent picketed a Cargo truck located at the Employer's facility by blocking it in with pickup trucks.

10. By the conduct described above in paragraphs 6 and 7, Respondent has violated Section 8(b)(4)(i)(ii)(B) of the Act.

11. By the conduct described above in paragraph 9, Respondent has violated Section 8(b)(1)(A) of the Act.

WHEREFORE, as part of the remedy for the unfair labor practices alleged above in paragraphs 6 and 7, the Acting General Counsel seeks an order requiring Respondent to cease

and desist from any conduct prohibited by Section 8(b)(4)(i) or by Section 8(b)(4)(ii) of the Act, where, in either case, an object thereof is to force or require any person to cease using, selling, handling, transporting or otherwise dealing in the products of any other person, or to cease doing business with any other person.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the consolidated complaint. The answer must be **received by this office on or before April 16, 2021**. Respondent also must serve a copy of the answer on each of the other parties.

The answer must be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. Responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a consolidated complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by

traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the consolidated complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT commencing on **June 17, 2021, 9 a.m.**, at **Room 3-111, John Weld Peck Federal Building, 550 Main Street, Cincinnati, Ohio**, or in a manner (including via video conference technology) or at a location otherwise ordered by the Administrative Law Judge, and continuing thereafter until conclusion, a hearing will be conducted before an administrative law judge of the Board on the allegations in this consolidated complaint, at which time and place any party within the meaning of Section 102.8 of the Board's Rules and Regulations will have the right to appear and present testimony regarding the allegations in this consolidated complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: April 2, 2021



Matthew T. Denholm, Regional Director
Region 9, National Labor Relations Board
Room 3-111, John Weld Peck Federal Building
550 Main Street
Cincinnati, OH 45202-3271

Attachments

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 09-CB-268953 and 09-CC-269544

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements **will not be granted** unless good and sufficient grounds are shown **and** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in **detail**;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

Fred Zuckerman, President, General Drivers, Warehousemen and Helpers, Local Union No. 89, affiliated with the International Brotherhood of Teamsters, 3813 Taylor Blvd, Louisville, KY 40215-2965

Edward M. Gleason Jr., Attorney, The Law Office of Edward Gleason, LLC, 1101 30th St NW, Suite 500, Washington, DC 20007

David R. Broderdorf, Esq., Morgan, Lewis & Bockius, LLP, 1111 Pennsylvania Ave NW, Washington, DC 20004-2541

USF Holland, 4885 Keystone Blvd, Jeffersonville, IN 47130-8790

USF Holland LLC, 700 S Waverly Rd, Holland, MI 49423

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.

- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.
- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 9**

GENERAL DRIVERS, WAREHOUSEMEN)	
AND HELPERS, LOCAL UNION NO. 89,)	Cases 09-CB-268953
AFFILIATED WITH THE INTERNATIONAL)	09-CC-269544
BROTHERHOOD OF TEAMSTERS,)	
)	
Respondent,)	
)	
and)	
)	
USF HOLLAND, LLC,)	
)	
Charging Party.)	

**RESPONDENT’S ANSWER
TO CONSOLIDATED COMPLAINT**

Respondent, General Drivers, Warehousemen and Helpers, Local Union No. 89, affiliated with the International Brotherhood of Teamsters (“Respondent” or “Local 89”), by its undersigned counsel, hereby submits its Answer to the Consolidated Complaint in the above-captioned matter. Respondent answers as follows:

1(a). Respondent admits the material allegations set forth in paragraph 1(a) of the Consolidated Complaint.

1(b). Respondent admits the material allegations set forth in paragraph 1(b) of the Consolidated Complaint.

2(a). Respondent admits the material allegations set forth in paragraph 2(a) of the Consolidated Complaint.

2(b). Respondent admits the material allegations set forth in paragraph 2(b) of the Consolidated Complaint.

2(c). Respondent admits the material allegations set forth in paragraph 2(c) of the Consolidated Complaint.

3. Respondent admits the material allegations set forth in paragraph 3 of the Consolidated Complaint.

4. With respect to the allegations set forth in paragraph 4 of the Consolidated Complaint, Respondent admits that, at all times material herein, (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) were agents of Local 89. Respondent denies that (b) (6), (b) (7)(C) was, at any time material herein, an agent of Local 89.

5(a). With respect to the material allegations set forth in paragraph 5(a) of the Consolidated Complaint, on information and belief, Respondent admits that the Charging Party, USF Holland, LLC, also referenced herein as the employer, contracted with Cargo Network Solutions to deliver freight.

5(b). With respect to the material allegations set forth in paragraph 5(b) of the Consolidated Complaint, Respondent admits that it was engaged in an area standards labor dispute with Cargo.

5(c). Respondent denies each and every allegation set forth in paragraph 5(c) of the Consolidated Complaint. By way of further answer, Respondent states that its area standards dispute was with Cargo, not USF Holland.

6(a). Respondent denies each and every allegation set forth in paragraph 6(a) of the Consolidated Complaint.

6(b). Respondent denies each and every allegation set forth in paragraph 6(b) of the Consolidated Complaint.

7. Respondent denies each and every allegation set forth in paragraph 7 of the Consolidated Complaint.

8. Respondent denies each and every allegation set forth in paragraph 8 of the Consolidated Complaint.

9. Respondent denies each and every allegation set forth in paragraph 9 of the Consolidated Complaint.

10. Respondent denies each and every allegation set forth in paragraph 10 of the Consolidated Complaint.

11. Respondent denies each and every allegation set forth in paragraph 11 of the Consolidated Complaint.

WHEREFORE, Respondent denies that the National Labor Relations Board, through its Acting General Counsel, is entitled to the relief sought in the unnumbered “Wherefore” clause of the Consolidated Complaint.

AFFIRMATIVE DEFENSES

First Affirmative Defense. Respondent alleges that that the Act, as applied herein, violates the United States Constitution, including but not limited to the right to due process.

Second Affirmative Defense. Respondent alleges that the requested remedy violates the United States Constitution, including, but not limited to, the right to due process.

WHEREFORE, Respondent respectfully requests the Administrative Law Judge dismiss the Consolidated Complaint in its entirety and grant Respondent all appropriate relief.

Dated: April 15, 2021

/s/Edward M. Gleason, Jr.
Edward M. Gleason, Jr.
Branstetter, Stranch and Jennings, PLLC
1101 30th Street, NW, Suite 500
Washington, DC 20007
edg@bsjfirm.com
703-608-7880 – mobile
Counsel for Respondent

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was electronically filed through the NLRB website on this 15th day of April 2021 and served by US Mail, postage prepaid as well as electronic mail, where noted, to the following:

Matthew T. Denholm, Regional Director
Region 9, National Labor Relations Board
Room 3-111, John Weld Peck Federal Bldg.
550 Main Street
Cincinnati, OH 45202-3271

David Broderdorf
Morgan, Lewis & Bockius, LLP
1111 Pennsylvania Ave NW
Washington, DC 20004-2541
david.broderdorf@morganlewis.com

/s/Edward M. Gleason, Jr.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

In the matter of

**GENERAL DRIVERS, WAREHOUSEMEN AND HELPERS, LOCAL UNION NO. 89,
AFFILIATED WITH THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS
(USF Holland, LLC)**

and

**Cases 09-CB-268953
09-CC-269544**

USF HOLLAND, LLC

**ORDER TRANSFERRING CASES
FROM REGION 09 TO REGION 12**

Cases 09-CB-268953 and 09-CC-269544, having been filed with the Regional Director for Region 9 and the Acting General Counsel of the Board having duly considered the matter, and deeming it necessary in order to effectuate the purpose of the National Labor Relations Act, and to avoid unnecessary costs and delay,

IT IS HEREBY ORDERED, in accordance with the Rules and Regulations of the National Labor Relations Board, that Cases 09-CB-268953 and 09-CC-269544 be, and hereby are, transferred to and continued in Region 12.

/s/ Beth Tursell

FOR:

Peter Sung Ohr
Acting General Counsel

Dated: April 21, 2021
at Washington, D.C.

cc: Region 9, Region 12

**UNITED STATES OF AMERICA
BEFORE THE
NATIONAL LABOR RELATIONS BOARD**

GENERAL DRIVERS, WAREHOUSEMEN & HELPERS)
LOCAL UNION 89, AFFILIATED WITH THE)
INTERNATIONAL BROTHERHOOD OF TEAMSTERS,)

Respondent,)

Cases 09-CB-268953
09-CC-269544

and)

USF HOLLAND, LLC,)

Charging Party.)

* *****

**RESPONDENT’S UNOPPOSED MOTION
TO POSTPONE AND RESCHEDULE THE OPENING DAY OF HEARING**

Respondent, General Drivers, Warehousemen & Helpers Local Union 89, affiliated with the International Brotherhood of Teamsters, by its undersigned counsel, hereby submits this Unopposed Motion to Postpone and Reschedule the Opening Day of Hearing concerning the above-captioned proceeding. In support of this Motion, Respondent states as follows:

1. This matter is set for hearing on June 17, 2021.
2. The cases arose from Respondent’s area standards picketing on October 21, 2020 and November 6, 2020 at the Charging Party’s facility. Picketing at the Charging Party’s facility has not taken place since November 11, 2020. The Board is not seeking temporary or emergency relief against Respondent on account of the above-described area standards picketing.
3. As noted above, the hearing is currently scheduled to commence on June 17, 2021. It is not certain whether the hearing will be conducted in person or virtually, but in any

event, Respondent's counsel would be engaged in trial preparation in Louisville, Kentucky or Cincinnati, Ohio during the week on June 14, 2021.

4. Respondent's counsel's (b) (6) is now going to be held in person. Respondent respectfully requests that the hearing in this matter be postponed and so that (b) (6). Respondent's counsel and his family live (b) (6), near Washington, DC.

5. No other pre-hearing motions have been filed in this proceeding.

6. Counsel for the Charging Party does not oppose this motion.

7. Because of scheduling conflicts later in June and July 2021 involving Respondent's witnesses and its undersigned counsel and based on a discussion with the Charging Party's counsel concerning his availability, Respondent suggests that the first day of the hearing be rescheduled to any day during the week of August 16 or the week of August 23, 2021.

Counsel for the Charging Parties concurs.

8. Simultaneous with the filing of this Motion with NLRB Region 12, Respondent is serving this motion to counsel for the Charging Party and counsel for the Board.¹

Dated: May 18, 2021

Respectfully submitted,

/s/ Edward M. Gleason, Jr.
Edward M. Gleason, Jr.
Branstetter, Stranch and Jennings, PLLC
1101 30th Street, NW, Suite 500
Washington, DC 20007
edg@bsjfirm.com
703-608-7880
Counsel for the Respondent

¹ By order dated April 21, the Board administratively transferred these cases to NLRB Region 12.

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of May 2021 I have electronically served a copy of the foregoing Motion to: David R. Broderdorf, Esq., Morgan, Lewis & Bockius, LLP, 1111 Pennsylvania Ave NW, Washington, DC 20004-2541, at his email office email address, which is david.broderdorf@morganlewis.com, and the Board's trial attorney, John King, whose email address is john.king@nlrb.gov.

/s/Edward M. Gleason, Jr.
Edward M. Gleason, Jr.

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 12**

GENERAL DRIVERS, WAREHOUSEMEN AND
HELPERS, LOCAL UNION NO. 89, AFFILIATED
WITH THE INTERNATIONAL BROTHERHOOD
OF TEAMSTERS (USF HOLLAND LLC)

and

Cases 09-CB-268953
09-CC-269544

USF HOLLAND LLC

**ORDER DENYING REQUEST TO POSTPONE HEARING
AND SETTING VIDEOCONFERENCE HEARING**

An Order Consolidating Cases, Consolidated Complaint and Notice of Hearing issued in this matter on April 2, 2021, with notice that on June 17, 2021, at 9:00 a.m., at Room 3-111, John Weld Peck Federal Building, 550 Main Street, Cincinnati, Ohio, or in a manner (including via videoconference technology), or at a location otherwise ordered by the Administrative Law Judge, and continuing thereafter until conclusion, a hearing will be conducted before an administrative law judge of the National Labor Relations Board.

On May 18, 2021, General Drivers, Warehousemen and Helpers, Local Union No. 89, affiliated with the International Brotherhood of Teamsters (Respondent) filed a Request for Postponement of the hearing scheduled for June 17, 2021, in the above case. Respondent seeks the postponement because Counsel for Respondent plans to be in Virginia on June 16, 2021, to attend a graduation ceremony. The Employer does not oppose the request. However, Counsel for Respondent has not indicated any direct conflict with the hearing scheduled on the following day, June 17. In addition, as set forth below, I am ordering that the hearing be held via the videoconferencing platform Zoom for government. Accordingly, there is no need for Counsel

for Respondent or others to travel to Cincinnati to appear in person at the hearing. I have carefully considered this matter.

IT IS ORDERED that Respondent's request is denied.

IT IS FURTHER ORDERED that hearing will commence on **June 17, 2021**, at **9:00 a.m.**, by the **Video conference platform Zoom for Government**.

Dated: May 20, 2021.



David Cohen, Regional Director
National Labor Relations Board, Region 12
201 East Kennedy Blvd., Suite 530
Tampa, Florida 33602-5824

**UNITED STATES OF AMERICA
BEFORE THE
NATIONAL LABOR RELATIONS BOARD**

GENERAL DRIVERS, WAREHOUSEMEN & HELPERS)	
LOCAL UNION 89, AFFILIATED WITH THE)	
INTERNATIONAL BROTHERHOOD OF TEAMSTERS,)	
)	Cases 09-CB-268953
Respondent,)	09-CC-269544
)	
and)	
)	
USF HOLLAND, LLC,)	
)	
Charging Party.)	

* *****

**RESPONDENT’S MOTION FOR RECONSIDERATION
REGARDING DENIAL OF MOTION TO POSTPONE AND RESCHEDULE THE
OPENING DAY OF HEARING**

Respondent, General Drivers, Warehousemen & Helpers Local Union 89, affiliated with the International Brotherhood of Teamsters, by its undersigned counsel, hereby submits this Motion for Reconsideration of Denial of Motion to Postpone and Reschedule the Opening Day of Hearing concerning the above-captioned proceeding. In support of this Motion, Respondent states as follows:

1. This matter is set for hearing on June 17, 2021.
2. The cases arose from Respondent’s area standards picketing on October 21, 2020 and November 6, 2020 at the Charging Party’s facility. Picketing at the Charging Party’s facility has not taken place since November 11, 2020. The Board is not seeking temporary or emergency relief against Respondent on account of the above-described area standards picketing.

3. As noted above, the hearing is currently scheduled to commence on June 17, 2021. Respondent's counsel's (b) (6) and the (b) (6) is now going to be held in person. Respondent's counsel and his family live (b) (6), near Washington.

4. Respondent filed an unopposed motion to postpone the hearing on May 18, 2021 and the Regional Director denied the motion on May 20, 2021.

5. In his order denying the unopposed motion, the Regional Director concluded that Respondent has not indicated any direct conflict with the hearing scheduled on the following day, June 17, 2021. The Regional Director also ordered that the hearing be held via the videoconferencing platform Zoom for government; in so doing, the Regional Director assumed that a videoconference hearing would eliminate the need for Respondent or others to travel to Cincinnati to appear in person at the hearing.

6. In denying the unopposed motion, the Regional Director did not consider that the hearing likely will take at least two days, not one day and that trial preparation will require several days, including the days immediately before the trial commences.

7. The Regional Director also incorrectly assumes that Respondent's counsel and witnesses would not have to travel to Cincinnati or Louisville, where Local 89's office is located, to engage in trial preparation, which, as noted above, would take place in the days leading up to the June 17, 2021 hearing. Trial preparation requires in-person preparation, not telephone preparation, particularly for witnesses that likely have never participated in any courtroom hearing in their lives.

8. On May 18, 2021, after Respondent filed its unopposed motion, the Regional Director contacted counsel for the Charging Party and Respondent whether they would be

available to conduct the hearing on July 6, 2021. Counsel for both the Charging Party and Respondent responded that they were not able to conduct the hearing then, based on prior scheduling commitments. The undersigned counsel for Respondent has a NLRB trial that commences July 6, 2021 in Cincinnati. Additionally, as Respondent's counsel also pointed out in response to the Regional Director's question regarding his availability on July 6, 2021, he has two previously scheduled discharge arbitrations in July, the first which starts the week on July 12 and the second which starts the week of July 26. Respondent's counsel does not have any hearings scheduled the week of July 19, 2021 and, if need be, can reschedule his meetings and negotiations currently scheduled for that week to commence this trial.

9. Respondent is also available any time on and after August 1, 2021 but the Charging Party's counsel has scheduling conflicts that pushed his availability to the weeks of August 16 and August 23, 2021.

10. Until recently, and during the underlying fact giving rise to this case arose, Respondent's counsel operated as a sole practitioner. Earlier this year, he merged his firm with another Union-side firm but remains the sole attorney in the firm's Washington, DC office and has continued to handle this case exclusively for Respondent. It is unreasonable to assume that another of Respondent's colleagues at his new firm can defend Respondent in this case. Under all these circumstances, to the extent the Regional Director's decision effectively requires the undersigned counsel for Respondent to make a Hopson's choice between attending (b) (6) (b) (6) or preparing for and attending this hearing where, as noted previously, there has not been any picketing since November 11, 2020 and where the Board is not seeking temporary or emergency equitable relief, the Regional Director's decision, is unduly harsh and does nothing to effectuate the purpose of the Act.

Accordingly, for the reasons set forth above, Respondent requests that the Regional Director grant this Motion for Reconsideration, rescind his May 20, 2021 order and reschedule the hearing to a later date.

Dated: May 21, 2021

Respectfully submitted,

/s/ Edward M. Gleason, Jr.
Edward M. Gleason, Jr.
Branstetter, Stranch and Jennings, PLLC
1101 30th Street, NW, Suite 500
Washington, DC 20007
edg@bsjfirm.com
703-608-7880
Counsel for the Respondent

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of May 2021 I have electronically served a copy of the foregoing Motion to: David R. Broderdorf, Esq., Morgan, Lewis & Bockius, LLP, 1111 Pennsylvania Ave NW, Washington, DC 20004-2541, at his email office email address, which is david.broderdorf@morganlewis.com, and the Board's trial attorney, John King, whose email address is john.king@nrb.gov.

/s/Edward M. Gleason, Jr.
Edward M. Gleason, Jr.

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 12**

GENERAL DRIVERS, WAREHOUSEMEN AND
HELPERS, LOCAL UNION NO. 89, AFFILIATED
WITH THE INTERNATIONAL BROTHERHOOD
OF TEAMSTERS (USF HOLLAND LLC)

and

Cases 09-CB-268953
09-CC-269544

USF HOLLAND LLC

ORDER RESCHEDULING HEARING

On May 18, 2021, General Drivers, Warehousemen and Helpers, Local Union No. 89, affiliated with the International Brotherhood of Teamsters (Respondent) filed a Request seeking to postpone the hearing scheduled in the above case from June 17, 2021 to the week of August 16, 2021 or August 23, 2021. By Order dated May 20, 2021, I denied Respondent's request. On May 21, 2021, Respondent filed a motion for reconsideration with additional information supporting its postponement request, and stated its availability to begin the hearing on July 19, 2021. USF Holland LLC (the Charging Party) does not oppose the postponement of the hearing to July 19, 2021. After careful consideration,

IT IS ORDERED that the hearing in the above entitled matter, previously scheduled to be held on June 17, 2021, is rescheduled to **July 19, 2021, at 9:30 a.m.**, by the **video conference platform Zoom for Government**, and on consecutive days thereafter until concluded.

Dated: May 28, 2021.



David Cohen, Regional Director
National Labor Relations Board, Region 12
201 E. Kennedy Blvd., Suite 530
Tampa, FL 33602